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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,289	02/26/2004	John Prudden JR.	00216-620001 / Case 4272	4946
26161	7590	02/24/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/787,289

Applicant(s)

PRUDDEN ET AL.

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the rejection(s) of the claims under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as set below.

### ***Claim Objections***

2. The claim objections are hereby withdrawn.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 10, 11, 15 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Aviza (2005/0126007). Aviza discloses housing 16; blade having cutting edge 18; cap is the components of cartridge 12 above the blades 18 in figure 14A; guard is the components of cartridge 12 below the blades 18; elongated guard strip 24; guard strip ends are the right and left sides of strip 24; elastomeric guard fins 20 on the lateral sides of the strip 24; depressions are between the fins in figure 14A, which are below the strip 24, and above the strip 24; handle 14; elongated cap strip 22 as disclosed in US Patent Application 60/455,646 as recited in paragraph [0104].

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5. Claims 1, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews (6,216,345). Andrews discloses housing 704, 714, 716; blade 24 having a cutting edge; guard is element 708, and upper halves of elements 712 and 710; front is adjacent to guard strip 32; cap 28 and the lower halves of elements 712 and 710; guard strip 32; elastomeric guard fins 717 laterally extending on both sides of the guard strip 32; handle 14; elastomeric cap fins 717 laterally extending on both sides of cap strip 28.

6. Claims 2, 6, 15 and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Aviza. Aviza discloses housing 16; blade having cutting edge 18; guard is the components of cartridge 12 above the blades 18 in figure 14A; front is adjacent the guard; cap is the components of cartridge 12 below the blades 18; elongated guard strip 22 as disclosed in US Patent Application 60/455,646 as recited in paragraph [0104]; guard strip ends are the right and left sides of strip 22; elastomeric cap fins 20 on the lateral sides of the strip 24; depressions are shown in figure 14A, which are above the strip 22; handle 14; handle connection 16.

7. Claims 2, 8, 9, 15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Haws et al (2002/0029478), hereafter Haws. Haws discloses housing 3; blade with cutting edge 2; guard 5; cap 4; front is adjacent to element 5; back is adjacent to element 4; guard strip 12 with shaving aid; elastomeric material in paragraph [0035]; series of depressions 6; first row of depressions 5 located in front of strip 12 shown in figure 6; disposable cartridge in last sentence of paragraph [0035]; handle connection 16; handle 8.

8. Claims 3, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews. Andrews discloses housing 704, 714, 716; blade 24 having a cutting edge; guard 28;

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cap is element 708, and upper halves of elements 712 and 710; cap strip 32; elastomeric cap fins 717 laterally extending on both sides of the cap strip 32; handle 14.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews in view of Aviza. Andrews discloses everything as noted above, but does not disclose a cap strip for delivering shaving aid. However, Aviza teaches a cap strip for delivering shaving aid 24. It would have been obvious to provide a cap strip for delivering shaving aid in Andrews as taught by Aviza in order to exfoliate the user's skin.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aviza in view of Gilder (6,298,557), hereafter Gilder '557. Aviza discloses everything as noted above, but does not disclose curved fins. However, Gilder '557 teaches curved fins in figure 1. It would have been obvious to provide curved fins in Aviza as taught by Gilder '577 in order to funnel hairs into the fins and encourage interaction with the projections.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews in view of Gilder. Andrews discloses everything as noted above, but does not disclose curved fins. However, Gilder '557 teaches curved fins in figure 1. It would have been obvious to provide curved fins in Andrews as taught by Gilder '577 in order to funnel hairs into the fins and encourage interaction with the projections.

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13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews in view of Gilder '557. Andrews discloses everything as noted above, but does not disclose curved fins. However, Gilder '557 teaches curved fins in figure 1. It would have been obvious to provide curved fins in Andrews as taught by Gilder '577 in order to funnel hairs into the fins and encourage interaction with the projections.

14. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews in view of Santhagens Van Eibergen et al (6,671,961), hereafter Eibergen. Andrews discloses everything as noted above, but does not disclose a second cap strip. However, Eibergen teaches second cap strip 23. It would have been obvious to provide a second cap strip in Andres as taught by Gilder in order to further reduce the friction force between the skin surface and the shaving blade unit.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barone et al and Richard et al are cited for fins that extend laterally beyond guard and cap strips.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

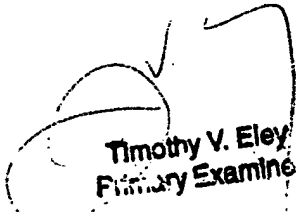
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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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IH

February 21, 2006

  
Timothy V. Eley  
Primary Examiner